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Pavak

Jonaraja Institute of
Genocide & Attrocities Studies

Empathy for the afflicted.

अपथ्याशीवबालःसामन्तसहितस्ततः।
जनानाम जातिविध्वंसे सूहभट्टः कृतोद्यमः।

- Pandit Jonaraja, Father of Genocide Studies

Pandit Jonaraja, the author of second Rajtarangini that follows the Rajtarangini of Kalhan, was a Kashmiri Shaivite Bhatta Brahmin. His real name was Jyotsanakar, meaning the creator of moonlight. This poetic name was true to his being. He was an exceptional and sensitive poet, well versed in history, astrology, Ayurveda, Yoga and subtler aspects of all these disciplines. He was a renowned Sanskrit scholar. His year of birth as per the records available is estimated as 1389-90.

Like Kalhan he has written the history of Kashmir in poetry. That is not all there is about him. He has recorded the genocide of Kashmiri Pandits in detail and delineated its aspects like the present day genocide scholars.

Jati Vidhwans—this is the word Jonaraja has coined to describe genocide. He has defined genocide and his definition almost mirrors the definition given by Raphael Lemkin. He has even pointed out the special intent that motivates the perpetrator and given a very sensitive and vivid account of how an ideology radicalises a regime and effects a total change in its mode of operation that leads to genocide. He has made it clear that the mind of a perpetrator is at a very low level of maturity. That is the view held by present day genocide scholars also. He has defined genocide and his definition is almost equal to the definition given by Raphael Lemkin. His account of the first exodus of Kashmiri Pandits, if placed in correct context, is no different from the atrocities the community faced in 1990.

Roots of the field of genocide studies are found in Pandit Jonaraja. He in every sense is "**Father of Genocide Studies**."

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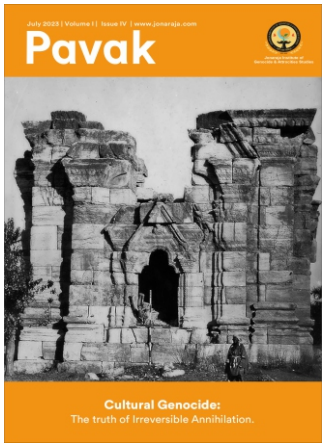

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What does Justice mean for Genocide Victims

Educating the public about past genocides and human rights abuses is crucial in preventing future atrocities. Incorporating the history of genocide into school curricula and public awareness campaigns can foster empathy and understanding, promoting a culture of peace and tolerance.

Sunanda Vashisht
Editor-in-Chief, Pavak

What does Justice mean for Genocide Victims?
Whenever we talk about genocidal crimes and atrocities, we narrate the incidents and disproportionately focus on the perpetrators. While it is important to understand the psyche of the perpetrator in order to understand the crime, it is equally important to understand the trauma of the victim. We often say victims of genocide deserve justice but we rarely talk about what justice would mean to the victim. From the standpoint of genocide victims, justice has deep and complex implications. Genocide, which results in the systematic eradication of a particular ethnic, religious, or national group, is one of the most horrifying and atrocious crimes against humanity. For a number of reasons, the search for justice for genocide victims is crucial.
Holding offenders accountable, acknowledging the pain of victims, and promoting community peace and healing are all important parts of delivering justice to genocide victims. In addition to punishing those who committed the atrocities, the goal is to make amends for the victims, support the survivors, promote closure, and stop similar atrocities in the future. Following are some examples of how victims of genocide can receive justice:

International Tribunals and Courts:
Establishing international tribunals and courts can prosecute those responsible for genocide and other crimes against humanity. One prominent example is the International Criminal Tribunal for Rwanda (ICTR), which was set up to address the genocide in Rwanda in 1994. The ICTR prosecuted key figures involved in planning and executing the genocide and helped bring justice to many victims.

National Prosecutions:
Countries affected by genocide can conduct their own trials and prosecutions, holding perpetrators accountable within their own legal systems. For instance, Germany's efforts to prosecute individuals involved in the Holocaust through its national courts have been crucial in addressing the atrocities committed during World War II.

Truth and Reconciliation Commissions:
These commissions aim to create a historical record of the atrocities and provide a space for victims to share their experiences. Perpetrators can also confess their crimes in exchange for amnesty or reduced sentences, which can promote reconciliation. The Truth and Reconciliation Commission in South Africa, established after the apartheid era, is a well-known example.

Reparations:
Providing reparations to genocide victims can help address the harm they suffered and contribute to their healing and rehabilitation. Reparations can include financial compensation, medical assistance, psychological support, and assistance in rebuilding communities. For instance, the German government has provided reparations to Holocaust survivors and their descendants.

Memorialization and Commemoration:
Building memorials and commemorating the victims of genocide is essential for acknowledging the tragedy and honoring the lives lost. These spaces can also serve as a reminder to future generations of the consequences of hatred and intolerance. The Holocaust Memorial in Berlin, Germany, is one such example.

Education and Awareness:
Educating the public about past genocides and human rights abuses is crucial in preventing future atrocities. Incorporating the history of genocide into school curricula and public awareness campaigns can foster empathy and understanding, promoting a culture of peace and tolerance.

International Pressure and Sanctions:
The international community can apply diplomatic pressure and impose sanctions on countries or individuals involved in genocide. Economic and political consequences can serve as a deterrent and prevent further escalation of violence. Sanctions against the Sudanese government due to the Darfur genocide are an example of such actions.

It's important to note that justice for genocide victims is an ongoing process that requires commitment from governments, international bodies, and societies at large. The examples provided above demonstrate some of the mechanisms that have been used to deliver justice, but each situation may require a tailored approach to address the specific context and needs of the affected communities. It often involves navigating legal, political, and logistical obstacles, especially when dealing with crimes committed in the context of armed conflicts or political upheavals. Nonetheless, the pursuit of justice remains an essential and vital aspect of acknowledging the immense suffering caused by genocide and working towards preventing such atrocities in the future.

In this edition of Pavak, we present scholarly articles which emphasize on what justice means and how it can be understood from the point of jurisprudence. We explain why we must empathize with the afflicted and must stand up for justice at all times, in all regimes and in all political climates. We also examine justice for women afflicted by genocide and how justice for women requires a different dimension. We are also proud to present a snapshot of original research paper written by Dr. Rinita Majumdar under the guidance of Dr. Dileep Kaul examining the works of works of Jonaraj, Lemkin, and Arendt. We hope you will enjoy this edition as much as you enjoyed our previous editions. As always, we look forward to your feedback.

In this edition of Pavak, we present scholarly articles which emphasize on what justice means and how it can be understood from the point of jurisprudence. We explain why we must empathize with the afflicted and must stand up for justice at all times, in all regimes and in all political climates.

Upholding the Rights of Victims: Ensuring Justice for Genocide and Gross Human Rights Violations

The rights of victims of genocide, atrocities, and gross human rights violations must be safeguarded, and justice must prevail. International law conventions and norms provide a framework for pursuing accountability, ensuring reparations, and strengthening international cooperation.

Tito Ganju
Chairman, JIGAS

Throughout the annals of history, humanity has witnessed numerous instances of genocide, atrocities, and gross human rights violations that have left indelible scars on the collective conscience of our global community. The pain and suffering endured by victims in these heinous acts demand not only our empathy but also our unwavering commitment to justice. International law conventions and norms play a crucial role in safeguarding the rights of victims, ensuring accountability, and paving the way for a more just and compassionate world.

I. Recognizing the Rights of Victims:
At the heart of international law's response to genocide and gross human rights violations lies the recognition of victims' rights. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other key international instruments explicitly affirm the rights of victims, including the right to life, liberty, security, and the right to an effective remedy. These conventions acknowledge the immense harm suffered by individuals and communities, while placing a moral and legal obligation on states to protect, support, and empower victims.

II. Pursuing Accountability:
One of the primary objectives of international law is to hold perpetrators accountable for their actions. Genocide and gross human rights violations often entail the intentional targeting of individuals based on their race, ethnicity, religion, or other protected characteristics. The Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. This convention, along with the Rome Statute of the International Criminal Court (ICC), enables the prosecution of those responsible for these grave crimes. The ICC serves as an important judicial institution that prosecutes individuals accused of genocide, crimes against humanity, and war crimes. Its establishment signifies the international community's determination to end impunity for the most severe crimes known to humanity. By bringing perpetrators to justice, the ICC sends a strong message that such acts will not go unpunished, and it provides a glimmer of hope to victims and survivors who have long yearned for justice and redress.

III. Ensuring Reparations and Redress:
Justice extends beyond the prosecution of perpetrators; it must also encompass reparations and redress for victims. The United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law affirm the entitlement of victims to seek and obtain redress. Reparations can take various forms, such as compensation, restitution, rehabilitation, satisfaction, and guarantees of non-repetition. By providing reparations, societies acknowledge the harm caused and take concrete steps to support victims in their healing process. Reparations can contribute to rebuilding shattered lives, communities, and trust in the justice system. Furthermore, they foster a sense of acknowledgement and ensure that victims are not forgotten, promoting a culture of accountability that deters future atrocities.

IV. Strengthening International Cooperation:
The fight for justice requires robust international cooperation. The establishment of specialized international tribunals, such as the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, demonstrates the international community's commitment to addressing the unique challenges posed by genocide and gross human rights violations. These tribunals, along with domestic courts and truth commissions, serve as vital mechanisms for delivering justice and truth-seeking.

To further strengthen international cooperation, states should prioritize the extradition of individuals accused of crimes against humanity and genocide, regardless of their location. Extradition treaties and agreements should be developed and enforced to ensure that perpetrators cannot escape justice by seeking refuge in other countries. Collaboration between states, international organizations, and civil society groups can enhance investigative capacities, share information, and support victims in their pursuit of justice.

The rights of victims of genocide, atrocities, and gross human rights violations must be safeguarded, and justice must prevail. International law conventions and norms provide a framework for pursuing accountability, ensuring reparations, and strengthening international cooperation. However, the implementation of these measures necessitates collective action, political will, and sustained commitment from the international community.

As individuals and societies, we bear a collective responsibility to support victims and survivors, amplify their voices, and demand justice. By doing so, we contribute to healing the wounds inflicted by past atrocities and preventing future horrors. Upholding the rights of victims is not only a legal obligation but a moral imperative that reflects our shared commitment to human dignity, justice, and a more compassionate world.

The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other key international instruments explicitly affirm the rights of victims, including the right to life, liberty, security, and the right to an effective remedy.

Kashmiri Pandit Genocide: Agency and Victimhood

Teaching, imparting knowledge has been the main occupation of Kashmiri Pandits. This occupation was also snatched away by Suhabhatta, the Kashmiri Pandit who had converted to Islam and was the main aide of the Muslim Sultans. Jonaraja writes in his Rajatarngini:

vicchetumicchatā vidyāṃ tenāpahṛtavṛttibhiḥ. laḍitaṃ prativeśmāgre piṇḍīlobhād dvijaiḥ

Dr. Dileep Kumar Kaul
Director, JIGAS

The basic reality of existence of Man in a social set up is well articulated in the principle of Panch Kanchuk in Kashmiri Shaivism. Panch Kanchuk incorporates five limits within which the existence of man flourishes in a society. These five limits are niyati, kāla, rāga, vidyā and kalā. Niyati is the place where a man lives. The nearest word for Niyati in English is destiny. The place, our basic place, is really our destiny. It remains with us wherever we go, throughout our lives. We live all our years of life in a place which gives us the sense of kāla, the period of time we pass through. This is the sense of History, personal or of the collective we are a part of. Rāga is the social bonding, our social relations which cannot happen unless we live at a place. Vidyā, knowledge can also happen to us if we are stable, placed with all resources of knowledge at a specific place. Same is true of Kalā, that means art, which is not possible without being at a place.

Place or Niyati is the key factor that makes four other elements happen. These five elements are true of every community that can be identified as racial, religious, ethnic or national as specified in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. These elements, in fact, deal with the issue of agency. What is agency? Agency is the power of the free will of the people. They feel free to think for themselves and act in their own ways and that thinking and acting gives a shape to their experiences and determine the path of their lives. When we live in a place, we own it and that sense of ownness enables us to give a shape to the place, to determine how it should look like. This enables the creation of art, relationships and attainment of knowledge. In total, we can act out of our free will, to shape our life in the place we live in. In short, place is integral to every form of human activity. Place makes us and we make the place. It is the interaction with our place from where our agency begins. When this interaction with our place is hindered in any way by another group of people the agency of the dwellers is hindered and the possibilities of genocide emerge.

Let us take an example from the third Rajagtarangini, the Rajatarngini written by Srivara.

śekandhara dharānātho yavanaiḥ preritaḥ puraḥ|
pustakāna sakalāna sarvāṃstṛṇāngnirivādāhata| 75/5

Srivara says that Sultan Sikandar, inspired with his radicalised ideology burnt every book, everywhere as if he was burning hay. This is the assault on the element of Vidyā, that is Knowledge for which Kashmiri Pandits were known. Their tradition of knowledge was the primary source of their agency. Destroying the proof of this tradition, burning their books was a major blow to the power agency that made them what they were. Libraries, the centres of books, like the family, the state, a temple or any other organisation are in their essence the flow of action among the members of a society and when a community is identified by its knowledge tradition, assaults on that tradition threatens their very survival. Srivara underlines this fact:

kimanyada dvijavada deśe sarve granthā manoramāḥ|
kathāvaśeṣatāṃ yātāḥ padmānīva himāgame| 77/5

Srivara says that what more could he say? In this region the story of invaluable and precious books ended just like the Brahmins who wrote and composed them. Both were destroyed like a lotus flower that is devastated after a heavy snowfall.

Teaching, imparting knowledge has been the main occupation of Kashmiri Pandits. This occupation was also snatched away by Suhabhatta, the Kashmiri Pandit who had converted to Islam and was the main aide of the Muslim Sultans. Jonaraja writes in his Rajatarngini:

vicchetumicchatā vidyāṃ tenāpahṛtavṛttibhiḥ.
laḍitaṃ prativeśmāgre piṇḍīlobhād dvijaiḥ śvavata.669

Jonaraja makes it clear that Suhabhatta wanted to destroy knowledge. So snatched away the employment of the knowledge givers, the Brahmins of Kashmir. And when they had nothing to earn their living they stood in front of homes like dogs expecting from the home owners something to eat.

This is lowest level of agency. The victims of genocide are characterised by very low agency where they can think only about the basic survival. Here we find a very sensitive portrayal of this situation. This is a situation of starvation similar to nazi concentration camps. The only difference is that the inmates of the concentration camps were segregated away from the society and here Kashmiri Pandits were allowed to remain in the society but with the lowest agency worse than even an animal. This is the situation of utmost humiliation.

It has been already made clear that libraries are the centres that facilitate the flow of knowledge and related action among the members of a society. Teachers are the key primary facilitators of this flow of knowledge and action. Knowledge and related action renew the relationships of the members of a society and make them a distinct community. When libraries, the centres of flow of knowledge are destroyed, teachers are made to starve, a community of people is easily destroyed without killing a single member of the community. The members are compelled to move out of the place and get dissolved in the communities away from their place and communities. They are unable to renew their connections with each other. Here the agent is not destroyed as an individual or a collective his agency is damaged and brought down to a level where he loses his distinctiveness as an individual and as a community. The inference is that out of Panch Kanchuk, the five limits when even one element is damaged, other elements are also affected. Here, it can be easily understood that when the element of Vidyā is damaged, Rāga, the social bonding, the connections between the members of the society are also affected. When Rāga is affected, it makes the relevance of Niyati, the place, questionable and one is compelled to leave the place. Kalā, art in any form, any form of creativity, is integral to the distinctiveness and flow of action in a society. Art, in its basic form is expressed in visual art of creating pictures of idols of deities that a community has faith in. Idols of deities are expressions of spiritual feelings, the feelings other than material that the members of a society have. These are the representations of the powers that run this world, this universe, the powers that we can only feel through our senses and not necessarily see. There have been idol condemning and idol worshipping cultures. Idol worshipping sustains a unique flow of action in a society where diversity is respected. We can worship any god whose idol is available. Beside the principal deity one worships, bowing to other deities does not make him less of a devotee of his principal deity. This democratic flow of action equips the individual and the community with

high agency that respects diversity and but is one in its essence. When idols are broken by the iconoclasts, they break an artistic tradition along with the flow of democratic action that the idols facilitate. Thus, the connection between the members of the community is shattered, and divinity in the idols is not perceptible. Jonaraja gives us a very sensitive and painful expression of this truth:

prabhāvatejo yairdevaiḥ satataṃ prakaṭīkṛtaṃ.
khadyotairiva taireva deśadoṣād vinihnutam. 592

The deities who had constantly expressed their divinity, dwindled in their aura just like a glowworm whose light keeps fluctuating and sometime there is no light at all. This happened because of the flaws that had crept into the being of the dwellers of the place. The dwellers of the place were fast losing their agency under the persecutory structures erected by the perpetrators.

pratyāhṛte tatastejoviśeṣe tridaśairabhūta.
pratimānāṃ śilābhāvo mantrāṇāṃ varṇamātratā| 593

Jonaraja says that divine aura of the idols of the deities was squeezed out. They were just stone structures and the hymns recited in front of them were just a bunch of letters.

The idols of the deities are infused with divine aura through the process of prāṇapratiṣaṭhā. This is a social action of the collective which involves reciting of special hymns. After the infusion of divine aura the idol becomes a source of agency that grants community power to the collective and they out of free will work for the upkeep of the idol and the temple and the society around. These connections are constantly renewed through the gatherings and festivals that are celebrated in the temple. When the idols are broken such connections can no longer be renewed. The community gets scattered in its faith and existence and that constitutes the socio psychological aspect of the victims of genocide.

The possibility of conversion to the perpetrator's faith increases. The new converts establish the connections with their new found community by inflicting more an more damage on their previous community. That is what Suhabhatta, the villain of the history of Kashmir did to the community of his origin. He considered the symbols and processes of the community of his origin a pathology, an ailment, getting rid of which was a matter of genuine delight for him:

kathāśeṣīkṛte sarvagīrvāṇa pratimāgaṇe.
vyādhimukta ivānandaṃ sūhabhaṭṭobhajattataḥ.604

All idols of deities were destroyed by Suhabhatta. Only the ruins stood there. Suhabhatt felt so relieved and full of delight that as if he had become free of some serious ailment.

Here our attention is drawn towards a part of the para 580 of the judgement given by ICTY on 2 Aug.2001. in the case Prosecutor vs Kristic Case No. IT-98-33-T:

“Where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group.”

The same intent was carried over into the six waves of genocide that followed. The last wave in 1990 completed the genocidal project of the perpetrators in Kashmir. What led to this intent? What constituted the high level of agency that made the perpetrator sustain the intent for almost six centuries? Jonaraja expresses it clearly:

turuṣkadarśane bhaktyā na tu dveṣena sa dvijāna.
vyaplāvayadataścāsmina hatvā na prajagalbhire.670

He killed Brahmins out of his devotion towards Islam. The acts of killing did not make him a sinner because he bore no malice towards them.

So religious agency was at work that fuelled the intent to exterminate non-believers. As per the above-mentioned judgement given by ICTY the intent was purely genocidal. To make things plain, religious philosophy provided the perpetrators the high agency they possessed even in 1990.

For the last six centuries the flow of time K la has hardly been favourable for Kashmiri Pandits. They had always to confront the genocidal scenario. The religious agency of the perpetrator continued to reduce them to nothing and they had only the stories of extermination and persecution to tell.

The religious agency of the perpetrators continued to attack the cultural and religious property and symbols of the victims in Kashmir. The period of respite was from 1420-1470 CE during the reign of Sultan Zainulabdin Badshah. He called back those Kashmiri Pandits who had left Kashmir under the threat of genocide. He appointed them as top officers in his government. This raised the level of their agency. Islamic religious agency had gone down but was maintained to the extent that the per-capita yearly tax to be paid by non- Muslims in an Islamic society was reduced to bare minimum of 1 gram of silver (one masha as written by jonaraja). Badshah continued to maintain Islamic religious agency which raised its head after his death.

The second wave of genocide came in 1496 CE with the arrival of Shamasuddin Araqi in Kashmir who was a Sufi Shia of Noorbaksia school of Islamic jurisprudence. His biography Tohfat-ul-Ahbab written by Mohammad Ali Kashmiri gives a detailed account of his temple demolition. In addition to other demolitions his biography gives the account of beginning of the project of the beginning of his project of temple demolition. The breaking of the temple of Sharika, the divine mother was his first act of demonstration of Islamic religious agency. Kashmiri Pandits used to gather there for dance, music and singing. Any sort of such religious gathering is the expression of religious agency. The agency was devastated. Araqi, with his followers went to the temple. All devotees were thoroughly beaten and kicked away. The Plinth of the temple was dug out and it was set afire. As per the author of Tohfat-ul-Ahbab Islamic law was enforced. Needless to say, that Islamic law grants a high agency to Muslims that makes them challenge any system of governance. The victim agency was crushed and they had to flee Kashmir.

The persecution unleashed by Iftikhar Khan (1671-75), the notorious governor of Aurangzeb also has the same story to tell. In this period of history Kashmiri Pandits sought to raise their agency to a higher level by forging alliances with the collectives that possessed high agency. They, under the leadership of Pandit Kripa Ram Dutt went to Guru Tegbahadur, the ninth Sikh Guru who gave supreme sacrifice in his attempt to raise voice in favour of Kashmiri Pandits. But the agency of the victims had gone so low that they did not stop leaving Kashmir. The same processes were repeated during the Pathan rule (1752-1819) in which unimaginable atrocities were committed on Kashmiri Pandits. Fifth wave of genocide occurred in 1931 that was unleashed by the Muslim Reading Room Party of Sheikh Abdullah. The sixth wave came in 1947 with the tribal raid after the partition of India when a large number of Kashmiri Pandits left Kashmir. Then came the last wave of genocide in 1990 and the genocidal project was complete. lasThis shows that Kashmiri Pandits have been constant targets of victimization through a long period of their history and they are still being victimised. This is historical victimhood that erodes the agency of the victims to such an extent that they lose political, social and cultural power and become useless even for the government.

But Historical Victimhood is not possible without the Historical Perpetratorhood. Various perpetrators who were the followers of the same ideology came to Kashmir and destroyed the agency of Kashmiri Pandits, the original inhabitants of Kashmir. This Historical Perpetratorhood needs to be pointed out and its narrative power underlined and countered.

The historical victimhood of Kashmiri Pandits has found expression in poems, paintings, theatre performances and other art forms, including essays and write ups of Kashmiri Pandits. All these expressions in art and intellect have been seen nationally and internationally. These acts can be seen as the attempts to counter the Historical Perpetratorhood and raise the level of the agency of the victim , that has been at its lowest over most of the years of about 7 centuries of genocide Kashmiri Pandits have been subjected to.

Women Victims of Gross Human Rights Violations: Unveiling the Transgenerational Impact

Gross human rights violations perpetuate gender inequality and reinforce the marginalization of women in society. Women who survive atrocities often face stigmatization and exclusion, making it difficult for them to reintegrate into their communities. The physical and psychological scars they bear become visible reminders of the horrors endured, and society's response often compounds their suffering.

Isha Ganju
Research Scholar

Throughout history, women have borne the brunt of gross human rights violations, genocides, and atrocities. Their experiences have been marred by systemic sexual violence, targeted persecution, and forced displacement. The profound and lasting impact of these horrors extends far beyond their individual lifetimes, inflicting transgenerational wounds that perpetuate cycles of trauma, social marginalization, and gender inequality. This article explores the experiences of women as victims of gross human rights violations, delves into the intergenerational effects, and emphasizes the urgent need for justice, healing, and empowerment.

Systemic Sexual Violence and Gender-Based Crimes:

During times of conflict, women are not only victims of sexual violence but are also deliberately targeted to undermine the social fabric of their communities. By inflicting harm upon women, perpetrators seek to destroy cultural, ethnic, and religious identities. Women's bodies become battlegrounds on which the struggle for power, dominance, and control is fought. The widespread nature of systemic sexual violence during gross human rights violations reflects the deeply entrenched gender inequalities and patriarchal structures that persist in societies around the world.. The trauma experienced by women affects their mental health, reproductive health, and overall well-being, and it reverberates across generations.

Forced Displacement and Loss of Identity:

In situations of genocide and mass atrocities, women are often specifically targeted for persecution and forced displacement. They are uprooted from their homes, families, and communities, leading to a profound loss of identity and belonging. Displaced women face numerous challenges, including limited access to healthcare, education, and economic opportunities. The disruption of social networks and support systems further exacerbates their vulnerability, making them susceptible to exploitation and marginalization.

The loss of home and community not only strips women of their physical surroundings but also erodes their sense of self and cultural identity. Displacement often results in the rupture of familial ties, separating mothers from their children, sisters from sisters, and daughters from their parents. The emotional and psychological toll of such separations is immeasurable, impacting not only the immediate generation but also echoing through subsequent generations as descendants grapple with a fragmented sense of heritage and history.

Inter-generational Trauma and Psychological Impact:

The trauma endured by women during gross human rights violations is not confined to their individual experiences. Research has shown that trauma can be transmitted across generations, affecting the mental and emotional well-being of offspring. This phenomenon, often referred to as intergenerational trauma, manifests in various ways, including increased rates of depression, anxiety, and post-traumatic stress disorder (PTSD) among descendants of survivors. The burden of unresolved trauma can hinder the healing and progress of communities for years to come.

The transgenerational impact of trauma is complex and multifaceted. It can be transmitted through various mechanisms, including parental behaviors, family dynamics, and cultural and social influences. The stories of suffering and resilience shared by survivors become part of the collective memory of communities, shaping the narratives that subsequent generations inherit. The psychological scars left by gross human rights violations seep into the consciousness of descendants, affecting their worldview, relationships, and overall mental health. Breaking the cycle of intergenerational trauma requires a holistic approach that addresses both the immediate needs of survivors and the long-term well-being of future generations.

Social Marginalization and Gender Inequality:

Gross human rights violations perpetuate gender inequality and reinforce the marginalization of women in society. Women who survive atrocities often face stigmatization and exclusion, making it difficult for them to reintegrate into their communities. The physical and psychological scars they bear become visible reminders of the horrors endured, and society's response often compounds their suffering. The pervasive silence surrounding sexual violence and the reluctance to acknowledge the experiences of women further perpetuate a culture of impunity.

Moreover, the obstacles faced by women in seeking justice and reparations contribute to their continued marginalization. The existing legal frameworks often fail to address the unique needs and vulnerabilities of women survivors. Women may encounter barriers such as fear of retribution, lack of access to legal representation, or cultural and societal norms that discourage speaking out. The lack of acknowledgment and redress for the harm suffered by women not only denies them justice but also hampers efforts to build a more inclusive and equitable society.

Empowerment, Healing, and Justice:

Addressing the transgenerational impact of gross human rights violations requires a comprehensive approach that prioritizes empowerment, healing, and justice for women. Recognizing the agency and resilience of women is crucial in restoring their dignity and enabling their participation in decision-making processes. This includes providing access to support services, healthcare, education, and economic opportunities. Additionally, efforts must be made to dismantle the societal norms and power structures that perpetuate gender inequality and discrimination.

Holding perpetrators accountable through legal mechanisms and establishing truth and reconciliation processes can contribute to healing and breaking the cycle of impunity. Truth-telling and acknowledging the experiences of women as valid and significant are important steps toward justice. The inclusion of gender perspectives in transitional justice processes ensures that the unique needs and voices of women are heard and integrated into the healing and reconciliation of communities.

Women victims of gross human rights violations, genocides, and atrocities bear the weight of the past while striving for a better future. The transgenerational impact of these atrocities on women highlights the urgent need for recognition, justice, and empowerment. By addressing the specific challenges faced by women survivors and ensuring their rights and voices are heard, we can work towards breaking the cycles of trauma and inequality, fostering healing and resilience, and building a more just and inclusive world for all. Efforts must be made at individual, community, and global levels to provide support, access to justice, and opportunities for women to rebuild their lives and contribute to a society free from the shackles of gross human rights violations. Only by acknowledging the full extent of the transgenerational impact can we hope to break the chains of suffering and pave the way for a brighter future for women everywhere.

The Concept of Genocide: A Comparison and Evaluation of the Works of Jonoraj, Lemkin, and Arendt

"Like a storm that uproots trees and like locusts devastating a rice crop, Yavanas, the Muslims devastated the lived life of Kashmir." Jonaraj calls the destruction of the lives of Kashmiri Pandits as "jātividhvaṃsa". Written in a short verse, this description has a very important significance in the understanding of "genocide".

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Genocide Scholar

Introduction

In this paper I show that the definitions of genocide and the concept of perpetrator or agent of genocide as given by the fifteenth century Kashmiri historian and poet Jonoraj is more inclusive and nearer to the actual experience of human beings as compared to the definitions given by Raphael Lemkin and Hannah Arendt of genocide and the perpetrator of genocide. Further, I show here, how Jonaraj's definition gives us a theoretical tool for recovery, reconciliation, and healing. To establish the above thesis in this paper, I touch upon a brief overview of the fictitious dichotomy of the "sacred" and the "Secular" in some cultures, a brief description of the concept of Jihad, and the unique condition of the Ajlabi Muslims in the context of the Indian sub-continent.

Jonaraj's Concept of Genocide: An Existential Approach

Jonaraja was a Kashmiri historian and poet in the fifteenth century. He wrote the Dvitiya Rajtarangini as a sequence to Kalhan's Rajtarangini about the kings of Kashmir. The main content of this work is the decline of the Hindu ruling dynasty in Kashmir and the rise of the Muslim ruling dynasty. He could not finish the chronicle as he died in 1459, and his work was carried on by his student, Srivara (Mazumdar, 2006). In defining genocide, Jonaraja used the term **"jātividhvaṃsa"**, which translates as "Genocide". According to Jonaraj,

"Like a storm that uproots trees and like locusts devastating a rice crop, Yavanas, the Muslims devastated the lived life of Kashmir." (Chapter 1, Definitions of Genocide, 2023). Jonaraj calls the destruction of the lives of Kashmiri Pandits as "jātividhvaṃsa". Written in a short verse, this description has a very important significance in the understanding of "genocide". It talks about "Genocide" not in political terms, but in existential terms when it says that it devastated the lived life of Kashmir. Let us try to understand this in a deeper way. In the above quotation "actions" are described not in a frigid and abstract way as following rules or laws, but in a situated way, via the actual experiences of people, in their daily performances. The word that Jonaraja uses is "Deshachar". Destruction of the deshachar is the central theme in genocide in Jonoraj's definition, which means complete destruction of the actual lived experience of people and how they relate to the external world.

In the Indian sub-continent, and indeed in much of the ancient world, culture is carried not via rigid laws, but in the actual practices of the people. It is via people and their actions that culture is transmitted from generations to generations. In this sense, from a people centric view, culture is the lived experience of people, it is created, sustained, and destroyed via performance of real people. In this sense, culture is something living and does not lie in abstract scriptural laws. In order to understand how culture (and religion) is embedded in the daily practices of many indigenous people around the world, let us see what an African scholar is saying about how Africans conceived of culture, religion, and identity in pre-Christian and pre Islamic colonization:

"African languages have no equivalent for the Western word "religion" or indeed "ritual" so in order to consider the religions of Christianity and Islam, they have to start using an alien and imported word. Similarly, the practitioners of African traditional religions do not look upon their religious beliefs and practices as a distinct set of activities separated from economic or other ones, nor are they defined as the religions of Yoruba, Zulu or Kamba. People as if they were national churches. An old traditionalist on being asked his religion would reply, "I am a Zulu".

Consequently, even though Africans are pervasively religious one cannot talk of "religion" per se in traditional African terms. In other words, one can talk of "religiosity but not "religion" if the former is seen as the awareness and quest for metaphysical phenomena while the latter is seen in terms of a codified and institutionalized set of doctrines and ritual practices. The African way of life in every aspect is immersed in "religion", so much so that to ask him/her what is religion is like asking: who are you? As a Chinese proverb has it, "If you want a definition of water, do not ask a fish." The only definition of "Religion" to the African, there is that it is indefinable; because "the religion of Africa does not live in the pages of books on "world religions", rather it lives in the hearts and lives of people. (John Alembillah Azumah,).

What Azumah is saying about the pre-colonial African religion is also true of the people in pre-colonial Indian Sub-continent. It is through their "deshachar", their performance, that their culture (religion) and their identity is carried out. There is indeed no separation between the "sacred" and the "secular", for every action is "Sacred" but it cannot be understood in terms of written laws or edicts. Destruction of this deshachar is a destruction of their way of life and identity. Further, in this case, the "Jati" is not only an ethno-religious group but also forms the identity of that group, and Jonaraj's concept of J tividhva sa captures this destruction of their identity. Thus, Jonaraj's definition is inclusive of the actual lived experience of people and the existential feeling of what it is to experience the destruction of one's identity.

A second aspect of Jonaraj's definition is very significant. It is Jonoraj's concept of the perpetrator or agent of genocide. Jonaraj talks of Suhabhatta (A Kashmiri Pandit who converted to Islam) who perpetrated genocide on Kashmiri Pandits. Jonaraj writes about Suhabhatta:

"Janānāṃ jātividhvaṃse sūhabhaṭṭaḥ kṛtodyamaḥ.".

In the Indian sub-continent, and indeed in much of the ancient world, culture is carried not via rigid laws, but in the actual practices of the people. It is via people and their actions that culture is transmitted from generations to generations. In this sense, from a people centric view, culture is the lived experience of people, it is created, sustained, and destroyed via performance of real people. In this sense, culture is something living and does not lie in abstract scriptural laws.

What is significant in Jonaraj's description of the perpetrator, in this case Suhabhatta, is how he describes the mental state of Suhabhatta. According to Jonaraj,

"Like an immature child who cannot differentiate between edible and inedible things, Suhabhatta, the principal official of Sikander Butshikan, along with this aides, perpetrated genocide on people." (The Definition of Genocide, Jigas Paper, Chapter 1). While the State machinery is important in the destruction, Jonaraj describes the role played by the individual psyche and how this psyche, under the influence of the ideology of Turu kadar ana, destroyed the socio-cultural fabric of society. Jonaraj describes the mindset of Suhabhatta, the perpetrator, as "childish", which implies that his (Suhabhatta's) mind has regressed into a previous state of development. Why has this regression happened Jonaraj says that under the influence of "Turu kadar ana", or Islam. This insight of Jonaraj is profound, for, as I show below, it will help us to create an inter cultural dialogue and start the healing process.

Political Definitions of Genocide: Lemkin

Raphael Lemkin, a polish lawyer, defines "genocide" in the following way: "By Genocide we mean the destruction of a group of ethnic group generally speaking genocide does not necessarily mean that immediate destruction of a nation, except when accomplished by mass of all members of a nation. It is extended rather to signify a co-originated plan of different actions aiming at the destruction of essential foundation of the life of national groups, with the aim of annihilating the groups themselves…" (Jigas Paper, Chapter 1). Lemkin describes genocide as the disintegration of the political and social institutions of culture, language, national feelings, religions, and economic existence of national groups. Lemkin's definition includes the destruction of personal security, liberty, health, and dignity of people. Overall, Lemkin's definition is political, it talks of the destruction of political and social institutions and culture. Although Lemkin does talk of the destruction of "culture", yet this is also caused by political machinery and hence dependent on the political destruction. It is not applicable to many cases where the culture is practiced via everyday rituals and lived experiences, as in Africa and the Indian Sub-continent, indeed probably everywhere in the world. For even in the practice of Islam although there are strict rules and regulations, it is the actual lived experiences of people that carries the tradition, and in this sense, Jonaraj's definition of genocide as "J tividhva sa" via the actual experience of people is more inclusive than that given by Lemkin.

Hannah Arendt: The Perpetrator As A Cog In The Machine

Now, let us turn specifically to the definition of agent or perpetrator. In her essay "Eichmann in Jerusalem", Hannah Arendt talks of the psyche of perpetrator, whom she terms as the "New Criminal". According to Arendt, there is a "new criminal", who does not violate any laws, rather he/she works for the State and obeys all the laws. Eichmann was an ordinary person who worked for the Vacuum Oil Company till he joined the State and became one of the officers in Auschwitz. He was later taken to Jerusalem and asked about his crime. After he said that he did not kill any Jew or hate them, he was made to go through psychiatric examination. The psychiatrist examination did not find anything pathological about him, they showed him to be normal. From this Arendt concluded that the "New Criminal" is a "Cog In the Machine". This means that he does not have any intentionality, but only follows State orders like a robot. So, while Arendt talks of individual psyche in describing the agent or perpetrator of genocide, ultimately, she makes the State machinery the agent of genocide.

Now, let us contrast this view of the perpetrator with Jonaraj's theory about the psyche of the agent of genocide. According to Jonaraj, Suhabhatta was under the ideology of "Turu kadar ana" or Islam and developed a childish mental state that cannot distinguish between what is edible or what is not edible. In psychoanalytic terms, this means that Suhabhatta is so much under the influence of this ideology, that he has regressed to a previous state of development. Here, we see that Jonaraj's definition does not give a "Cog in the machine" (again a political definition) concept of the agent, but a very personal and existential mindset of the perpetrator, who under the influence of Jihadi ideology, has regressed to a previous state of mind. Why this is significant is because, this explanation overcomes the binary of victim/perpetrator and shows that the same person who is a victim is at the same time a perpetrator. To understand this better, let us think of an analogy with dementia. Dementia is a cognitive impairment in clear consciousness. It is not a developmental disorder or mental retardation, but an impairment that happened due to some cognitive failures and/or socio-cultural factors that influenced the cognition. In the case of the perpetrators, the influence is **"Turuṣkadarśana"**, where a person with a normal mental state regressed to an earlier childlike state (much like dementia) and performed certain atrocious actions, like annihilating a culture and their people who follow that culture. Nonetheless, this is not a pathology per se, as the Israeli State conceived of Eichman's mental condition and hence put him through psychiatric examination. It is a mental state of cognitive impairment that one has reached as result of a socio- cultural influence, **Turuṣkadarśana** or in this case we can call it a call to Jihad. Let us take one small example of how the ideology of Jihad can take someone from a clear consciousness to a childlike state.

According to Dr. Azuma, there are many versions of "Jihad" and there are no agreements on Jihad. "Jihad" is an Arabic verbal noun derived from the verb "Jahada", which means "strain", "exertion", "endeavor" on behalf or for the sake of something. Jihad is translated by E.W. Lane as "the using or exerting one's utmost power, efforts, endeavors, or ability in contending with an object of disapprobation… namely a visible enemy, the devil, and one's self (Azuma, p, 138). Lane goes to the point out that jihad came to be used by Muslims to signify fighting or waging war against "unbelievers and the like" as a religious duty. "

Jihad has influenced fighters for generations, although its actual experience between those who are born into Islam and those who adopted Islam have been different. This distinction is particularly important for us to understand the concept of the perpetrator like Suhabhatta and others in the Indian Sub continent and their special relationship to Jihad. In the Indian sub continent, one has to make a distinction between the Aljabi and the Ashrafi Muslims and the special relationship Aljabi Muslims have towards Islam. According to Sinha and Dasgupta,

"The Indian Muslims (converted to Islam) were the worst sufferers under Islamic Sultanate…The 98% of the Indian Muslims, this,

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rationally may be termed as Ajlab Muslims who had confronted four prongs: seclusion from their natural social habitat, loss of cultural identity, migration from traditional customs and academic attainment, and finally enslavement remaining in poor economic conditions under the alien invading rulers" (Sinha and Dasgupta, 2011)."

What is important here is the mindset of the Aljabi Muslims. Trauma, as psychoanalyst Melanie Klein theorizes, activates the fear of annihilation and destruction that is always waiting within, the haunting presence of the death instinct. This death instinct in turn gives rise to some primitive defenses (as psychoanalyst would call them) such as fear of being annihilated. Subsequently, the traumatized person projects his fear outward into persecutory objects and people who then come back to haunt him.

If we apply the above to the psyche of Suhabhatta we can see how his regressive mental state, which Jonaraj talks about as "Childish" and unable to make a distinction between the edible and non-edible, actually is a psyche where his previous deshachar , which once constituted his identity, haunted him. The only way to do away with this haunting is to annihilate them. This gives us an interesting theoretical tool to understand the psyche of the perpetrator. This kind of complex and intricate analysis that we can derive from Jonaraj's definition of the agent or perpetrator of genocide is absent in Arendt's theory of the perpetrator as "Cog In the machine". It is important for us to expand Jonaraj's analysis of the perpetrator for future reconciliation and healing.

Implications of Jonaraj's Theory of Genocide and Perpetrator

We saw above that Jonaraj's definition of genocide is more inclusive for it frames genocide not in terms of structures political or economic, but in the actual lived experiences of people. It mirrors the actual experience of the people who underwent **"Jātividhvaṃsa"**, where **"Jāti"** is not an abstract ethno-religious group but intimately linked to people's experiences and identities and where there is no clear distinction between the "sacred" and the "non-sacred". It brings the definition of genocide to a more experiential and everyday level. Second, Jonaraj's description of the childish mental state of the perpetrator allows us to derive a more nuanced and psychoanalytic description of the psyche of the Aljabi Muslims like Suhabhatta. It shows that the perpetrator is haunted by his past identity and performs actions blindless, without discrimination, like a child. The mental state of the perpetrator is like a person suffering from dementia, a state of cognitive impairment, and not necessarily a disorder or pathology. Cognitive impairment is a result of some socio cultural and historical factors, in this case **Turuṣkadarśana**, and it is possible to conceive of this impairment as progressive, static, or reversible under certain conditions. Since the mindset of the perpetrator or those belonging to the perpetrator class or community is continually haunted by the specter of their past identity and culture (deshchar), they are in as much pain as those who are victims of the actions, their act of genocide. It is from this shared pain that their commonality, what one performs one, one culture and identity, and what one lost and mourns unconsciously and deeply, can bring both in a new performance or culture of sharing. This is where healing starts. For the start of healing is the recognition of this mutual pain and suffering. The validation of the genocide, the loss and pain of the victims and the pain of the perpetrator on their lost identity and culture that haunts them continually. An analytic reading of Jonaraj's definition can help us to get to this point of healing by redefining the concept of genocide as the destruction of the lived experience and identity of a group and the perpetrator in a regressive state where he is haunted by his past.

Conclusion

In the above pages I have given a brief analysis of three thinkers of the definitions of genocide and the perpetrator of genocide, Jonaraj, Lemkin, and Arendt. I have shown that a thorough analysis of the verses given by Jonaraj will reveal profound insight into how genocide is experienced by people by intruding and destroying their everyday life experience. This takes away genocide from the abstract political and structural concepts. It gives us an insight into how genocide can be conceived from the point of view of the sufferers. Further, I have shown how Jonaraj's concept of the perpetrator lets us see the perpetrator with a mental state that is regressive and not pathological per se. It also lets us see, particularly in the context of the Indian Sub-Continent, how the perpetrator is haunted by his past deshachar that includes loss of culture and identity. Both these definitions are ingrained in the works of Jonaraj and are helpful for us to create a space where inter-cultural dialogue is possible and where contradictions and binaries of perpetrator/victims can give place to healing and reconciliation.

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QnA with the scholars of JIGAS

Vidhushi Singh
Advocate J&K High Court

Please tell us a little bit about yourself?

I am a lawyer by profession. As a lawyer and a female, I have a unique perspective on the importance of protecting human rights. I have seen firsthand the devastating effects of genocide and atrocities, and I am committed to preventing them from happening again.

How did you hear about JIGAS and why did you apply for the Genocide studies program?

The Jonaraja Institute is a valuable resource for anyone who wants to learn more about genocide and atrocities. The institute's research and educational programs focus on the prevention of genocide, the recognition of genocide, and the rescue of victims. By joining the institute, I am able to contribute to its important work and help to make the world a safer place.

What expectations did you have before you joined the program? Were those expectations met?

I wanted to understand the root causes of genocide and atrocities.I wanted to learn how to prevent genocide and atrocities from happening again.I want to use my legal skills to help victims of genocide and atrocities.Also to raise awareness about genocide and atrocities.And wanted to be part of a community of people who are committed to preventing genocide and atrocities.

What did you think about the curriculum that you were taught?

I believe that my decision to join the Jonaraja Institute is a wise one. I was able to learn from some of the world's leading experts on genocide and atrocities, and I have earned an opportunity to make a real difference in the world.
To my understanding it is important for lawyers and women to understand the importance of gross human rights violations and to work to prevent them.

Did the program empower you to speak about forgotten genocides on national and international platforms?

Lawyers have a unique role to play in protecting human rights. They can use their legal skills to advocate for victims of genocide and atrocities, and they can help to ensure that perpetrators are brought to justice. Women are disproportionately affected by genocide and atrocities. They are often targeted because of their gender, and they are often the first to be killed or displaced. By understanding the importance of gross human rights violations, women can be better prepared to protect themselves and their families.I believe that it is essential for lawyers and women to work together to prevent genocide and atrocities. We must use our voices and our skills to raise awareness about these crimes, and we must work to build a world where everyone is safe and respected. This program certainly empowered me to speak up and speak on behalf of victims.

Studying Genocide is Extremely Important

Genocide is a structural and systematic destruction of innocent people by a state bureaucratic apparatus or a similar or equivalent structure. Genocide represents a systematic effort over time to liquidate a national population, usually a minority and functions as a fundamental policy to assure conformity and participation of citizenry. The institute exists to learn in depth about Genocide in details and how individuals can recognise patterns and frame policies to prevent genocide.

Pavak

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